

could lead to increased tonnage requirements for our food aid merits significant scrutiny because added delay directly threatens lives already at risk. The House, federal agencies, and NGO stakeholders were, unfortunately, given no such opportunity for oversight before the final bill was brought to the floor. Should this bill be enacted in its present form, I look forward to working with Secretary Fox to ensure this provision is implemented fairly.

H.R. 5771—Tax Increase Prevention Act: During the debate on the House floor over H.R. 5771, the Tax Increase Prevention Act, it was clear I was torn. The reason I ultimately voted against this legislation is because it should have been the first order of business taken up by Congress, and not the last. This tax extenders package represents another failure to treat people right and fairly, and one more missed opportunity for reform. In addition, H.R. 5771 continues the harmful trend of adding the deficit while ignoring the low hanging fruit, where consensus is within reach and provisions are ripe for reform.

H.R. 5683 “ENSURING ACCESS TO JUSTICE FOR CLAIMS AGAINST THE UNITED STATES ACT”

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 2014

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 5683, the “Ensuring Access to Justice for Claims Against the United States Act.”

I support the bill because it amends 28 U.S.C. § 1500 to remove the prohibition depriving the United States Court of Federal Claims of jurisdiction over any civil action against the United States pending in, or on appeal from, the U.S. Court of Federal Claims (CFC) in cases in which the plaintiff also has pending in another federal court a civil action that includes a claim against the United States arising from the same set of operative facts.

Under current law, the Court of Federal Claims is prohibited from exercising jurisdiction over any claim in which the plaintiff has pending in any other federal court a lawsuit against the United States arising out of the same incident even if the lawsuit in the CFC seeks different relief.

When combined with other jurisdictional limits on the Court of Federal Claims and the court’s statute of limitations, this prohibition forces plaintiffs to pick and choose among potentially meritorious claims against the United States and leads to plaintiffs being denied relief for unlawful government actions.

As Justice Sotomayor has observed, this jurisdictional bar imposes an unfair burden on plaintiffs by forcing them to “choose either to forgo relief in the district court or to file first in the district court and risk the expiration of the statute of limitations on their claims in the CFC.”

The Administrative Conference of the United States has identified several examples of potentially meritorious claims against the United States that have been adversely affected by the jurisdictional prohibition contained in Section 1500:

1. A federal employee who sued the government in district court under both the Equal Pay Act and Title VII of the Civil Rights Act of 1964. Her Equal Pay Act claim was transferred to the CFC and was dismissed under Section 1500;

2. Property owners who sued in the CFC, claiming the government had taken their property without just compensation. Their claim was dismissed because they had previously sued in district court on a tort theory;

3. A local government that was sued by the United States in district court over taxation of certain federal office buildings filed a counterclaim against the United States for the taxes it believed it was owed. The counterclaims were transferred to the CFC and dismissed under Section 1500; and

4. An Indian tribe that sued in the CFC for breach of trust. Its claims were dismissed because it sued on similar claims in district court on the same day.

Mr. Speaker, the bill before remedies the deficiency in Section 1500 by striking the jurisdictional bar and replacing it with a presumptive stay provision.

Under the presumptive stay provision, a plaintiff could file and maintain actions arising out of a single incident in both the CFC and the district court at the same time, but the action that was filed second would be stayed until the first action is no longer pending.

The stay could be lifted by the agreement of the parties or upon a finding by a judge that the stay is not in the interest of justice.

This presumptive stay provision provides judges with flexibility to manage potentially duplicative litigation against the United States in a manner that is consistent with modern judicial practice.

Mr. Speaker, H.R. 5683, the Ensuring Access to Justice for Claims Against the United States Act, eliminates wasteful obstacles to justice and inefficient use of scarce judicial resources while at the same time protecting plaintiffs’ ability to seek complete relief when actions of the federal government violate their legal rights.

I support this legislation and urge all members to join me in voting for H.R. 5683.

RECOGNIZING THE JEWISH COMMUNITY CENTER OF STAMFORD, CONNECTICUT

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 2014

Mr. HIMES. Mr. Speaker, I would like to take this opportunity to congratulate the Jewish Community Center of Stamford, Connecticut, for being named the 2014 S.T.R.I.V.E. (Sports Teach Respect Initiative Values and Excellence) Organization of the Year. The S.T.R.I.V.E. award is provided by the National Council of Youth Sports to organizations that implement youth sport practices that promote health and safety.

Since opening its doors in 1916, the Stamford JCC has been a valuable community resource, particularly well-known for its continuum of safe, supportive, and inclusive health and fitness programs for children and youth of all abilities, backgrounds, and financial circumstances. This year, more than 1,500 kids, ages three to sixteen, have taken part in “kids-first” recreational activities, created to promote important attributes including teamwork, community engagement, sportsmanship, self-esteem and self-discipline.

I commend the Stamford JCC for this wonderful achievement, and for their work in helping promote healthy and safe recreational activities for children in Stamford.